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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,688	02/27/2001	Brian Keenan	P24,524 USA.	1576
7590	07/06/2004		EXAMINER	
Irving Newman Synnestvedt & Lechner 2600 One Reading Center 1101 Market Street Philadelphia, PA 19107			BRUENJES, CHRISTOPHER P	
			ART UNIT	PAPER NUMBER
			1772	
DATE MAILED: 07/06/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/674,688

Applicant(s)

KEENAN, BRIAN

Examiner

Christopher P Bruenjes

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 21-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 21-38 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 18, 2004 has been entered.

WITHDRAWN REJECTIONS

2. The objection to the abstract of record in Paper #10, Page 4 Paragraphs 5-6, has been withdrawn due to Applicant's amendments in the Paper filed May 18, 2004.

3. The 35 U.S.C. 102 rejections of claims 1 and 21-30 as anticipated by Williams of record in Paper #10, Pages 8-10, Paragraph 11 and the Office Action mailed September 3, 2003, Pages 4-5 Paragraph 9, have been withdrawn due to Applicant's amendments in the Paper filed May 18, 2004.

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4. The 35 U.S.C. 103 rejection of claims 31-38 over Williams in view of Smith of record in the Office Action mailed September 3, 2003, Pages 8-9 Paragraph 11, have been withdrawn due to Applicant's amendments in the Paper filed May 18, 2004.

REPEATED REJECTIONS

5. The 35 U.S.C. 103 rejections of claims 1 and 21-30 over Farr in view of Williams are repeated for the reasons previously of record in the Office Action mailed September 3, 2003, Pages 6-8 Paragraph 10.

Regarding the new limitation that the fibers and entirely sealed over said inner surface by a sealing agent, Farr teaches that the insulation is formed of fibers bonded together by an organic resin or inorganic binder (col.3, l.40-47). Fibers bonded together by organic resin or inorganic binder are inherently entirely sealed on all surfaces because the fibers are an island phase within the sea phase resin or binder.

6. The 35 U.S.C. 103 rejections of claims 31-38 over Farr in view of Williams and further in view of Smith are repeated for the reasons previously of record in the Office Action mailed September 3, 2003, Pages 8-9 Paragraph 11.

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Regarding the new limitation that the fibers and entirely sealed over said inner surface by a sealing agent, Farr teaches that the insulation is formed of fibers bonded together by an organic resin or inorganic binder (col.3, 1.40-47). Fibers bonded together by organic resin or inorganic binder are inherently entirely sealed on all surfaces because the fibers are an island phase within the sea phase resin or binder.

ANSWERS TO APPLICANT'S ARGUMENTS

7. Applicant's arguments regarding the objection to the abstract has been considered but are moot since the objection has been withdrawn.

8. Applicant's arguments regarding the 35 U.S.C. 102 rejections of claims 1 and 21-30 as anticipated by Williams have been considered but are moot since the rejections have been withdrawn.

9. Applicant's arguments regarding the 35 U.S.C. 103 rejections of claims 31-38 over Williams in view of Smith have been considered but are moot since the rejections have been withdrawn.

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10. Applicant's arguments regarding the 35 U.S.C. 103 rejections of claims 1 and 21-30 over Farr in view of Williams have been fully considered but they are not persuasive.

In response to Applicant's argument that neither Farr nor Williams teach the sealing agent extending over the inner surface of the insulation layer, Farr teaches that the insulation layer is formed from fibers embedded in an organic resin or inorganic binder, which inherently teaches that the fibers are sealed on the inner surface because the fibers are an island phase within the sea phase resin or binder.

11. Applicant's arguments regarding the 35 U.S.C. 103 rejections of claims 31-38 over Farr in view of Williams and further in view of Smith have been fully considered but they are not persuasive.

In response to Applicant's argument that neither Farr nor Williams teach the sealing agent extending over the inner surface of the insulation layer, Farr teaches that the insulation layer is formed from fibers embedded in an organic resin or inorganic binder, which inherently teaches that the fibers are sealed on the inner surface because the fibers are an island phase within the sea phase resin or binder.

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Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P Bruenjes whose telephone number is 571-272-1489. The examiner can normally be reached on Monday thru Friday from 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher P Bruenjes
Examiner
Art Unit 1772
CPB
June 29, 2004


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

7/1/04